

**CITY OF KERRVILLE, TEXAS**  
**ORDINANCE NO. 2012-05**

**AN ORDINANCE REPEALING AND REPLACING THE CITY'S SIGN REGULATIONS FOUND IN ARTICLE II OF CHAPTER 6 OF THE CITY'S CODE OF ORDINANCES AND REPEALING SECTION 27 OF ORDINANCE NO. 85-59 AND ALL ORDINANCES WHICH AMENDED SECTION 27 AND PERTAIN TO THE REGULATION OF SIGNS; ADOPTING NEW REGULATIONS CONCERNING THE INSTALLATION AND MAINTENANCE OF SIGNS WITHIN THE CITY OF KERRVILLE, TEXAS, AND WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE CITY; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR PENALTIES NOT TO EXCEED \$2,000.00; ORDERING PUBLICATION; PROVIDING AN EFFECTIVE DATE; AND PROVIDING OTHER MATTERS RELATED TO THE SUBJECT**

**WHEREAS**, the City Council of the City of Kerrville, Texas ("City Council") seeks to provide for the orderly development and use of property within the corporate limits of the City of Kerrville, Texas ("City") and its extraterritorial jurisdiction (ETJ); and

**WHEREAS**, City Council seeks to maintain the value of Kerrville's scenic beauty and rural charm, both of which are significant attributes of the City's quality of life, through a comprehensive regulatory program that includes zoning, subdivision control, and the regulation of signs; and

**WHEREAS**, Ordinance No. 85-59, adopted on October 22, 1985, established zoning regulations governing the use and development of land located within the City; and

**WHEREAS**, Section 27 of Ordinance No. 85-59 established regulations governing the location, size, design, installation, and maintenance of signs located within the City and its ETJ; and

**WHEREAS**, City Council has amended Section 27 of Ordinance No. 85-59 multiple times since its adoption 26 years ago; and

**WHEREAS**, the City, with the goal of remedying conflicts and inconsistencies between the City's sign regulations and state law and to clarify and condense confusing or ineffective sections, appointed an ad hoc committee ("Committee") made up of interested citizens including property owners, business owners, members of the Kerrville Chamber of Commerce, representatives of businesses engaged in the construction and placement of signs, as well as a member of City Council and the City's Planning and Zoning Commission; and

**WHEREAS**, the Committee reviewed the City's existing sign regulations and after

multiple meetings, developed a list of amendments to recommend to City Council; and

**WHEREAS**, City Council considered the Committee's list, which included new regulations for electronic message boards and various types of temporary signs, and directed City staff to incorporate these amendments into an ordinance; and

**WHEREAS**, City staff drafted an ordinance with the goal of making only those changes approved by City Council and also carrying over the remaining provisions of Section 27 of Ordinance No. 85-59 into a new ordinance; and

**WHEREAS**, at a meeting on June 19, 2012, that was open to the public as required by law, the public notice of the time, place, and purpose of said meeting was given as required, and at which all citizens and parties in interest were given an opportunity to be heard; and after considering the recommendations of the Committee and City staff; and after considering among other things, the character of the various areas of the City and the suitability of particular uses in each area; and with a view to conserving the value of property, maintaining safety, and the public health, and encouraging the most appropriate use of land throughout the City; the Council, following multiple readings of the proposed ordinance, finds it to be in the best interest of the health, safety, morals, and general welfare of the City of Kerrville, Texas, to adopt new regulations concerning the installation and maintenance of signs within the City and its ETJ;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KERRVILLE, KERR COUNTY, TEXAS:**

**SECTION ONE.** Chapter 6 "Advertising", Article II "Signs", of the Code of Ordinances of the City of Kerrville, Texas, is repealed and replaced in its entirety with a new Article II as provided for in **Exhibit A**, which is attached, included herein for all purposes, and hereby adopted. Said new Article II will be published and included within the City's Code of Ordinances.

**SECTION TWO.** The City Secretary is authorized and directed to send this Ordinance to the publisher of the City's Code of Ordinances and the publisher is authorized to amend said Code to reflect the new Article II of Chapter 6 as adopted herein, to correct any typographical errors, and to index, format, number, and letter the paragraphs to the existing Code, as appropriate.

**SECTION THREE.** The provisions of this Ordinance are cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent with or in conflict with any of the provisions of this Ordinance are expressly repealed to the extent of any such inconsistency or conflict. Specifically, Section 27 of Ordinance No. 85-59 and Ordinance Nos. 86-17, 86-19, 87-17, 88-10, 88-17, 88-33, 97-08, 2000-20, 2002-07, 2003-07, 2006-08, and 2008-20 are hereby repealed.

**SECTION FOUR.** If any section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this Ordinance. The Council of the City of Kerrville, Texas, declares that it would have passed this Ordinance and each section, subsection, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

**SECTION FIVE.** The penalty for violation of this Ordinance shall be in accordance with the general penalty provisions contained in Section 1-8, or its successor section, of the Code of Ordinances of the City of Kerrville, Texas, which provides for a fine not exceeding TWO THOUSAND DOLLARS (\$2,000.00).

**SECTION SIX.** Pursuant to Texas Local Government Code §52.013(a) and Section 3.07 of the City's Charter, the City Secretary is hereby authorized and directed to publish the descriptive caption of this Ordinance in the manner and for the length of time prescribed by law as an alternative method of publication.

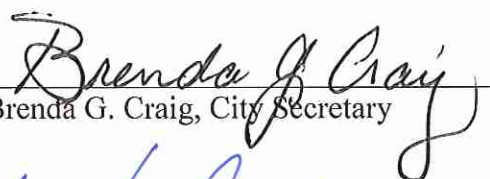
**SECTION SEVEN.** This Ordinance shall become effective immediately upon the expiration of ten days following publication, as provided for by Section 3.07b. of the City Charter.

**PASSED AND APPROVED ON FIRST READING, this the 26<sup>th</sup> day of June, A.D., 2012.**

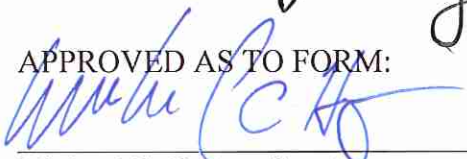
**PASSED AND APPROVED ON SECOND AND FINAL READING, this the 3<sup>rd</sup> day of July, A.D., 2012.**

ATTEST:

  
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Jack Pratt, Jr., Mayor

  
\_\_\_\_\_  
Brenda G. Craig, City Secretary

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Michael C. Hayes, City Attorney

## **Chapter 6**

### **Article II. Signs**

#### **Sec. 6-31. In General.**

A person shall not install, put up, place, reconstruct, repair, maintain, or use a sign, as defined, unless the sign complies with these regulations, known as the City's Sign Code, and any other applicable City code.

#### **Sec. 6-32. Purpose.**

The City Council finds that to protect the health, safety, property, and welfare of the public it is necessary to prevent the unregulated proliferation of signs while at the same time respecting the public's right to freely engage in constitutionally protected speech and the use of private property. The purpose of these rules and regulations is to provide uniform sign standards and regulations in order to improve visual safety for pedestrians and traffic; to provide for safe construction, location, and maintenance of signs; to prevent proliferation of unauthorized signs; to minimize the possible adverse effect of visual clutter on public and private property; and to promote a positive image for the City by reflecting order, harmony, and consistency, and thereby strengthening the economic viability of the City's residential, commercial, cultural, and historical areas.

#### **Sec. 6-33. Design Guidelines.**

It is City policy to encourage signs which are appropriate to a rural, Hill Country setting and to discourage signs which are in conflict with the character of the community. To this end, all sign owners, operators, and installers are encouraged to conform to the following guidelines for sign location, configuration, design, and materials:

- A. Signs should be located with sensitivity to preserving the natural landscape, environment, and surrounding views.
- B. Signs should be incidental to the principal use of a site and should never be allowed to visually dominate a site.
- C. The height, width, and area of a sign should relate to the adjacent street type and the length of street frontage.

#### **Sec. 6-34. Jurisdiction.**

These sign regulations apply within the City's boundaries and within the extraterritorial jurisdiction (ETJ) of the City, as defined by state law.

## **Sec. 6-35. Definitions.**

Words and phrases used in this Article have the meanings set forth in this section. Words and phrases which are not defined in this Article but are defined within the City's Zoning Ordinance are given those meanings set forth in the City's Zoning Ordinance, as may be amended. Other words and phrases are given their common, ordinary meanings unless the context clearly requires otherwise. Headings and captions are for reference purposes only and may not be used in the interpretation of these regulations.

### **A. General Definitions.**

*Area*: the square foot area enclosed by the perimeter of the sign face with each face contributing to the aggregate area but not counting double-faced sign faces, which are counted only as the area of one face. The sign face excludes decorative wood, metal devices, frames, or sign supports, such as a monolith. In cases where the sign, or a portion, is composed only of letters, figures, or other characters not standing against a sign face background or secured to a monolith, then the sign face area is the sum of the area of the smallest simple imaginary figure, such as a circle, triangle, rectangle, or other figure, which fully contains all words, figures, devices, designs, or trademarks which constitute the sign. See **Illustration 1** for a depiction.

*Central Business District (CBD)*: all of Blocks 1, 2, 6, 7, 8, 23, 24, 25, and the Kerr County Court House block, J.D. Brown's Addition, City of Kerrville, Kerr County, Texas, said property being generally bordered by Jefferson Street on the north, the Guadalupe River on the south, Clay Street on the west, and Washington Street on the east. The street borders include properties on both sides of the street.

*City*: the City of Kerrville, Texas.

*City Council*: the City Council of the City of Kerrville, Texas.

*City Manager*: the City Manager or his/her designee.

*Commercial Complex*: a development consisting of two or more establishments on a single platted lot such as a shopping center or an Industrial Park/Business Park, or Campus on two or more contiguous lots, which may be separated only by a right-of-way.

*Downtown Core (DC)*: an area within the Central Business District generally bounded by the Guadalupe River on the south, extending north on Clay Street, east on Main Street, north on Earl Garrett Street, east on Jefferson Street, and south on Washington Street. The street borders include properties on both sides of the street.

*Establishment*: a use of land for any purpose which requires a building on the land, regardless of the commercial, nonprofit, or public nature of the activity, but excluding a residence or active agricultural use in any form.

*Extraterritorial Jurisdiction (ETJ):* the unincorporated area beyond the City's boundaries, the size of which is determined by state law.

*Height:* the vertical distance between the highest attached component of a sign or of its supporting structure, whichever is higher, and the average established ground level beneath the sign. The established ground level beneath the sign is the lower of: (1) the existing grade prior to construction of the sign; or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign, unless the curb elevation at the street in front of the sign is higher than the established ground level, in which case the height will be measured from curb level.

*Industrial Park/Business Park or Campus:* a development intended to be either the site for a number of manufacturing, industrial, warehousing, and related uses, or a mixed-use development which includes a number of separate office, commercial, wholesaling, and compatible laboratory, industrial, and other uses which primarily support the function or employees of those uses and which are designed and developed as an integrated unit but typically the establishments are on individual lots.

*NIT:* a unit of visible-light intensity used to specify brightness. One NIT is equivalent to one candela per square meter.

*Nonresidential Area:* the area within any zoning district inside the City which includes nonresidential uses; in the City's extraterritorial jurisdiction, any lot or tract of land which is the site of an establishment or commercial complex or which is vacant or in any form of agricultural use.

*Planning and Zoning Commission:* the City's Planning and Zoning Commission.

*Residential Area:* the area within any zoning district inside the City which includes residential uses; in the City's extraterritorial jurisdiction, any lot or tract of land in which the principal use of the land is as a residence.

*Responsible Party:* the person, firm, organization, or other entity whose product, service, activity, or enterprise of any character is announced or advertised by a sign, or whose message is carried by a sign, and/or the owner of the land upon which the sign is located.

## **B. Types of Signs.**

For the purposes of this Article, a sign means any letters, figures, symbols, trademarks, or devices designed either to inform a person or to attract the attention of a person to an individual, firm, profession, business, organization, institution, goods, product, service, activity, cause, or purpose, and which are viewed from any public right-of-way. Particular types of signs are defined by their purpose or use, by their location, and by the nature of their construction, and therefore any one sign may be encompassed by multiple definitions and may be subjected to regulations in multiple sections of this Article. Depictions of the types of various signs are found

at **Illustration 2**. Lights used to outline buildings within the Central Business District or for holiday lighting are not considered signs provided that the holiday lighting is not used to advertise a product, service, or business, for example, by spelling out words and such lights are removed within fourteen (14) days from the holiday. Types of signs which are regulated by this Article are defined as follows:

*Address Sign*: a sign, other than a name plate, which identifies the name of the occupants and/or the address of a single family or duplex residence, but excluding any commercial sign.

*Auxiliary Sign*: a sign of any construction, not exceeding one square foot in area, which is not part of another sign and which is customarily secondary and incidental to the principal use of any nonresidential premises, such as one indicating hours of operation, credit cards accepted, or restrictions of sale to minors, or which is customarily secondary and incidental to a residence, such as "no soliciting" or "beware of dog".

*Awning Sign*: a sign painted on or attached to the outside of an awning or similar structure such as is typically extended in front of a window or door or over a patio, deck, or walkway as protection from the sun or rain, regardless of whether the structure is retractable.

*Balloon*: a nonporous, inflatable bag or device with or without letters, symbols, or numbers that is filled with either air or gas.

*Banner*: a flexible sign intended to be hung or mounted either with or without frames, made of paper, plastic, fabric, or any other flexible material. Flags are distinguished from banners for the purposes of this Article.

*Beacon*: any light with a beam directed into the atmosphere or directed at a point which is not on the same lot or tract of land as the light source, or a light with one or more beams that rotate or move.

*Billboard*: any sign used or designed to be used to advertise or call attention to any product or service which is produced at a place other than on the premises on which the sign is located, or to advertise or call attention to any establishment which is not located on the same premises as the sign. This type of sign is sometimes known as an "off-premise sign."

*Bulletin Board*: a sign principally devoted to posting announcements concerning the activities of an organization, such as is customarily installed by a church, social club, society, or charitable organization, which is located on the premises of such an organization.

*Canopy Roof Sign*: a sign which is mounted above a canopy roof parallel to the facing wall.

*Canopy Sign*: a sign which is suspended from the underside of a canopy structure or which projects into the space enclosed within or beneath a canopy structure. A sign which is painted on or attached to the outside of an awning or canopy structure is an awning sign.

*Changeable Copy Sign:* a sign or part of a sign on which characters, letters, or illustrations can be changed manually without altering the face or surface of the sign, such as a theater marquee, a gasoline price sign, or a sign identifying the occupants of a shopping center.

*Commercial Sign:* any sign, regardless of its location or construction, whose wording or other contents, directly or indirectly, names, advertises, or calls attention to any business, product, service, institution, organization, event, cause, purpose, or other activity.

*Community Service Sign:* a temporary sign, often in the form of a banner, soliciting support for, or participation in, a nonprofit, nonpolitical, community, public, or social purpose, cause, event, or activity, such as one marking a holiday or one supporting school activities, charitable programs, religious activities, or community interest events. This sign is often installed over state-owned public right-of-way pursuant to consent from the Texas Department of Transportation.

*Construction Sign:* a sign placed on a site currently undergoing active construction activities which identifies or announces the character of the project and/or the names of the owners, developers, financiers, architects, engineers, contractors, leasing agents, and others associated with the project.

*Directional Sign:* a sign which is separate from other signs, incidental and secondary to the principal use of the property on which it is located, and whose primary purpose is to give directions to parking lots, exits, entrances, or drive-through windows, or directives such as "no parking" or "loading only."

*Electronic Sign:* a sign with moving or traveling lights that digitally or electronically produce color and/or black and white images or a sign or device which uses or projects lights to form traveling messages or messages which change or has the ability to change more than once per day. Such signs to include those that use Light Emitting Diodes (LED) and Liquid Crystal Display (LCD) technology.

*Event Sign:* a sign advertising or indicating the location of an occasional event on the same site, such as the location of a civic or other noncommercial ceremony, of an event for the members of an organization, or of an event at a residence such as a home for sale, real estate open house, or private party.

*Feather Sign:* any variety of fabric signs commonly called bow, feather flags, sale banners, tear drop, or ribbon signs that may or may not display a message and are supported by a horizontal or vertical pole.

*Flag:* a piece of fabric, usually rectangular, bearing the name, logo, or symbolic emblem of a governmental entity, business, institution, or organization.

*Freestanding Sign:* a permanent sign installed on a pole anchored in the ground.



*Governmental Sign:* a sign owned or sponsored by the City or other governmental entity that is used to provide information, directions, or warnings to the public regardless of whether located on public or private property.

*Handheld Sign:* a sign which is not permanently or temporarily attached to the ground or to a permanent structure and which is designed to be transported or carried by an individual.

*Integral Sign:* a sign indicating the name of a building, as distinct and clearly distinguished from the name of a business, institution, or other entity occupying the building, or indicating the date or other information of historical interest about a building's construction, when such sign is cut or molded into a masonry surface which forms part of a wall of a building or when it is constructed as a plaque or tablet of bronze or other incombustible material and permanently mounted on the face of a building.

*Lighted Sign:* a sign that is back-lighted or lighted from within, a neon sign, an LED or LCD sign but not a sign that is only illuminated by external lights that shine upon it.

*Mobile Billboard:* a sign installed or displayed on a vehicle operating in the public right-of-way for the purpose of advertising a business or entity that is unrelated to the owner of the vehicle's primary business. The term does not include a sign that is displayed or installed on a vehicle operated in the normal course of the vehicle owner's business if the sign contains advertising or identifying information directly related to the business and is not used to display advertising that is unrelated to the business. This sign does not include a political sign.

*Model Home Sign:* a sign which is located on the same lot as a model home in a residential subdivision and which calls the attention to the purpose of the model home.

*Monument Sign:* a sign which is built as a monument on the ground and independent of any other structure for its support and which may include a changeable copy feature.

*Moving Sign:* a sign or any part of a sign which rotates, moves, or uses lighting to simulate motion but not to include a barbershop with barber pole that has a turning, striped, cylinder not exceeding forty-two inches (42") in height.

*Name Plate:* a sign, such as a "shingle" sign, mounted flat against the wall of a building and not projecting more than one inch from the face of the wall and indicating the name and/or address of the building and/or the name of an occupant thereof and/or the practice of a permitted home occupation therein.

*Neon Sign:* a gas-filled glass tubing sign.

*Nonconforming Sign:* a sign that does not conform to all regulations of this Article or other applicable City ordinance.

*Political Sign:* a sign which is primarily political in nature, which supports or opposes any candidate for public office or any proposition to be voted upon at an election, or which makes a political statement in the nature of constitutionally protected noncommercial free speech.

*Portable Sign:* a sign designed to be transported, whether on attached wheels or otherwise and regardless if permanently attached or affixed to the ground or a permanent structure, but excluding construction signs, event signs, realty signs, and sidewalk signs.

*Projecting Sign:* a sign, other than an awning sign or canopy sign, whose outside edge extends a distance from the face of a wall to which it is attached or which extends at any point above or beyond a wall to which it is attached.

*Realty Sign:* a sign which advertises the property on which it is located for sale, lease, or rent.

*Residential Development Sign:* a sign at the entrance to a residential development, such as townhouses, an apartment complex, or residential subdivision, and which identifies the name and/or the address of the residential development.

*Roof Sign:* any sign mounted on or above the roof of a building or whose principal support fixtures are attached to a wall but excluding a projecting sign, and a wall sign which is either painted directly on a sloping roof or mounted directly on a sloping roof in the same plane as the roof.

*Sidewalk Sign:* a sign, regardless of its construction, which is designed to be temporarily placed on the ground or sidewalk adjacent to an establishment in order to advertise or call attention to the goods or services offered at that establishment.

*Snipe Sign:* a sign made of any material when such sign is tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles, stakes, fences, other objects or into the ground, and the advertising matter appearing thereon is not applicable to the use of the premises upon which such sign is located. A "garage sale" sign is an example.

*Vehicular Sign:* a sign attached, mounted, or painted on a vehicle, whether motorized or a trailer and operational or not, and where: 1) the sign is visible from a public right-of-way; and 2) the advertising pertains to a product, service, or business which is located, conducted, or produced at a place other than on the premises upon which the vehicle is located, especially where the vehicle is left abandoned for more than (2) hours. This term does not include a customary sign on a vehicle where the vehicle is being used in the normal course of the vehicle owner's business or is in a vehicle window advertising the vehicle itself for sale or containing an incidental noncommercial statement. This sign does not include a political sign.

*Wall Sign:* a sign, other than a name plate, mounted parallel to the face of any building. A sign which is painted on a sloping roof or mounted on a sloping roof in the same plane as the roof is also a wall sign.

*Window or Door Sign:* a sign which is painted or placed inside or upon a window or door, or mounted against a window or door and oriented so as to be read from a public right-of-way.

#### **Sec. 6-36. Exempt Signs.**

The following signs do not require a sign permit from the City; however, these signs may be subject to construction and electrical standards found within City building codes:

- A. A sign inside a building or a window or door sign such as a "help wanted" sign, but not including a lighted window or door sign.
- B. A banner but limited to one (1) per establishment and not exceeding eighty (80) square feet in area. The banner must be: 1) securely attached to and covering a portion of a building or other permanent structure, such as a wall; and 2) remain in good condition without torn or tattered portions.
- C. A commemorative plaque and historical marker mounted on the face of a building or installed on a site as a freestanding monument, when placed by a governmental entity, historical society, or other civic organization to commemorate a person, event, or other matter of historical interest.
- D. A government sign but not exceeding thirty-two (32) square feet in area.
- E. A handheld sign but not exceeding six (6) square feet in area.
- F. A realty sign, but not exceeding thirty-two (32) square feet in area, except in all residential areas where the sign area must not exceed six (6) square feet. Realty signs are limited to one sign per street frontage and may include banner, in which case, the banner must be mounted on and cover a solid board or a similar rigid product.
- G. One name plate or "shingle sign" per establishment but not exceeding four (4) square feet in area.
- H. An address sign but not exceeding two (2) square feet in area.
- I. A bulletin board but not exceeding thirty-two (32) square feet.
- J. A construction sign but limited to one per street frontage for a building or property undergoing construction and which does not exceed sixty-four (64) square feet in area within a nonresidential area and sixteen (16) square feet within a residential area. Individual contractor signs not exceeding three (3) square feet in area are allowed in addition to the construction sign listed in this subsection. All contractor or construction signs must be removed within thirty (30) days of the completion of the construction project and any sign exceeding eight (8) square feet in area must be set back from the property line to the normal building setback line required in the applicable zoning district.

- K. A community service sign.
- L. A flag, not exceeding three (3) per establishment, attached to a building or pole. In no case may any flag exceed one hundred fifty (150) square feet in area, unless located on property directly adjacent to Interstate 10. The United States and Texas flags are also exempt.
- M. Integral sign.
- N. The rearrangement or replacement of letters, numbers, characters, or pictures on an existing, permitted sign, provided that the area is not enlarged.
- O. A political sign which does not: exceed thirty-six (36) square feet in area, exceed eight feet (8') in height, have any lights, or use any moving elements. A political sign may only be placed on property with the consent of the property owner. No political sign may be placed in, on, or over any public right-of-way or City owned property.
- P. Auxiliary sign.
- Q. Window sign.
- R. Directional sign.

#### **Sec. 6-37. Prohibited Signs.**

The following signs and devices are prohibited:

- A. Any sign which has been or is erected, altered, repaired, or relocated without having received an applicable permit from the City to include building and electrical codes, or in accordance with the regulations of this Article.
- B. Any sign or support, other than those required by governmental authority or for which a street use permit has been issued, which is located on or over the public right-of-way.
- C. A moving sign.
- D. No external lighting device used for the illumination of signs, buildings, or grounds may employ sources of light which are directed at streets or any adjacent residential properties. This subsection does not apply to street lights. Any internal lighting devices designed to light any sign must have the source of light shielded and not visible from the street or adjacent residential properties, except that light bulbs which do not exceed the lumen output of a 40-watt incandescent bulb may be visible from the street.
- E. A sign which, by reason of its size, location, movement, content, coloring, or manner of illumination, may be confused with or construed as a traffic control sign, signal, or device, or

the lights of emergency or road equipment vehicles or which hide from view any traffic or street sign or signal or device.

- F. A sign which emits sound.
- G. A damaged sign.
- H. A sign located on property which becomes vacant and is unoccupied for a period of twelve (12) months or more or any sign which pertains to a dated event or purpose which no longer applies. This provision does not apply to realty or off-premise signs.
- I. An unattached or portable sign.
- J. Vehicular sign.
- K. Mobile billboard.
- L. Snipe sign.
- M. Inflatable signs, figures, or devices.
- N. Beacons.
- O. Posters, pennants, ribbons, streamers, spinners, flutter flags, pleated fans, windsocks, or strings of any such things or similar devices.

**Sec. 6-38. Regulation of Signs within the Central Business District (CBD), including the Downtown Core (DC).**

The following regulations apply to establishments and signs located within the Central Business District and the Downtown Core. Such regulations are in addition to other regulations found within this Article unless a conflict arises between those provided here and any other, in which case the regulations found within this section will apply:

- A. Electronic, freestanding, and feather signs are prohibited within the Downtown Core.
- B. Sidewalk signs.
  - 1. One (1) sidewalk sign is permitted for each establishment within the Central Business District;
  - 2. A sidewalk sign, prior to placement, may be required to apply for and receive a public right-of-way license agreement from the City, which grants authority to use the sign on City property and will provide conditions for its use;

3. A sidewalk sign may only be used when the establishment to which it refers is open for business and must be removed upon the close of business;
4. A sidewalk sign may not be placed in a manner that endangers public safety, creates a pedestrian or traffic hazard, or creates an obstacle or barrier in a sidewalk or public right-of-way; and
5. A sidewalk sign may not exceed eight (8) square feet in area, two feet (2') in width, and four feet (4') in height.

**Sec. 6-39. Regulations for Certain Types of Signs.**

The following signs require a permit from the City and must comply with the following regulations:

**A. Awning Signs.** An awning sign:

1. may not be greater than the width of the awning; and
2. is subject to a size limitation as described in subsection Q., below.

**B. Balloons.** A balloon(s):

1. may not be displayed more than twenty (20) days within any calendar year; and
2. permit will not be issued for less than five (5) days.

**C. Canopy Signs.** A canopy sign:

1. is limited to one (1) per entrance to an establishment;
2. may not extend beyond an edge of the canopy structure to which it is attached;
3. perpendicular to a building face may not exceed two-thirds (2/3) of the width of the canopy structure. A minimum spacing of ten feet (10') must be provided between such canopy signs;
4. parallel to a building face, may not exceed two-thirds (2/3) of the length of the canopy structure;
5. may not extend more than two feet (2') either above or below the horizontal underside of the canopy structure. No canopy sign may be less than seven feet (7') from ground clearance; and
6. is subject to a size limitation as described in subsection Q., below.

**D. Canopy Roof Signs.** A canopy roof sign:

1. is limited to one (1) per establishment;
2. is allowed only as business identifier mounted parallel to the building wall face on top of a canopy roof which may not extend above the main building roof line. Canopy roof sign area will count against allowed area signage at the establishment and will only be allowed in lieu of a projecting sign or wall sign; and
3. may not exceed eighteen inches (18") in height with a maximum length of five feet (5') or ten percent (10%) of the width of the canopy or wall to which the canopy is attached, whichever is greater; and
4. is subject to a size limitation as described in subsection Q., below.

**E. Feather signs.** A feather sign:

1. is limited to five (5) per establishment;
2. may not be displayed more than twenty (20) days within any calendar year; and
3. permit will not be issued for less than five (5) days.

**F. Directional Signs.** A directional sign:

1. may not contain any commercial message except the name, logo, or other symbolic identification of the establishment;
2. may not exceed six (6) square feet in area;
3. may not exceed six feet (6') in height; and
4. must be permanently mounted or installed.

**G. Freestanding Signs.**

1. One (1) freestanding sign is allowed on nonresidential property for an establishment that does not have a monument sign and is located within the Central Business District and/or fronts one of the following highways or streets, but excluding the area within the Downtown Core:
  - a. State Highways 16, 27, 173, FM 783, Loop 534, and Spur 98;
  - b. Holdsworth Drive;

- c. Water Street, for the area between its intersections with State Highway 27 on the west to its termination with State Highway 27 on the east;
  - d. Schreiner Street, for the area between its intersections with State Highway 16 and Paschal Avenue;
  - e. McFarland Street, for the area between its intersections with Clay Street and Paschal Avenue;
  - f. Clay Street, Quinlan Street, and Hays Street, for the area between their intersections with McFarland Street and State Highway 27;
  - g. Rodriguez Street, for the area between its intersections with McFarland Street and Jefferson Street; and
  - h. Francisco Lemos Street, for the area between Schreiner Street and Water Street.
2. A freestanding sign may not be located on a lot that is less than fifty feet (50') wide. However, where a lot is less than fifty feet (50') wide but is combined within another lot for one business or as part of a commercial complex and the resulting width of the combined lots equal or exceed fifty feet (50'), then one freestanding sign is allowed. In addition, where a freestanding sign is prohibited by the fifty foot (50') lot width requirement, a monument sign will be allowed.
  3. A freestanding sign may not be located within fifty feet (50') of another freestanding sign and no commercial complex may have more than one (1) freestanding sign.
  4. A freestanding sign located on a lot between fifty feet (50') and two hundred (200') feet in width:
    - a. may not exceed one hundred (100) square feet in area;
    - b. may not exceed thirty feet (30') in height;
    - c. may not be located within fifty feet (50') of any other freestanding sign; and
    - d. located on a through lot is allowed to have one freestanding sign on each of the two (2) parallel street frontages, provided that the signs meet all other requirements of this Article, including the distance requirement of fifty feet (50') between signs.
  5. A freestanding sign located on a lot between two hundred feet (200') and four hundred (400') feet in width:
    - a. may not exceed one hundred fifty (150) square feet in area;



- b. may not exceed thirty-five (35') feet in height;
  - c. may not be located within sixty feet (60') of any other freestanding sign; and
  - d. located on a through lot is allowed to have one freestanding sign on each of the two (2) parallel street frontages, provided that the signs meet all other requirements of this Article, including the distance requirement of sixty feet (60') between signs.
6. Up to two (2) freestanding signs may be located on a lot greater than four hundred (400') feet in width. Such a freestanding sign(s):
- a. may not exceed two hundred (200) square feet in area for one (1) sign and one hundred (100) square feet for the other;
  - b. may not exceed forty feet (40') in height for the larger sign and thirty feet (30') for the smaller one, if any; and
  - c. may not be located within sixty feet (70') of any other freestanding sign.

#### **H. Monument Signs.**

1. One (1) monument sign is allowed for each establishment that does not have freestanding sign. For a monument sign that is located on property that is fifty feet (50') or less in width, such sign:
  - a. may not exceed thirty-two (32) square feet in area;
  - b. may not exceed six feet (6') in height;
  - c. may not be located within twenty-five feet (25') of another freestanding sign;
  - d. may be lit; and
  - e. must be anchored in a native colored masonry or similar material to the building(s) constructed on the property and framed on all four (4) sides by, at a minimum, six inches (6") of native colored masonry, or material similar to the building(s) constructed on the property.
2. For a monument sign that is located on property that exceeds fifty feet (50') in width, such sign:
  - a. may not exceed sixty-four (64) square feet in area;
  - b. may not exceed eight feet (8') in height above the top of the adjacent street or driveway level;

- c. may not be located within fifty feet (50') of another freestanding sign;
  - d. may be lit; and
  - e. must be anchored in a native colored masonry or similar material to the building(s) constructed on the property and framed on all four (4) sides by, at a minimum, six inches (6") of native colored masonry, or material similar to the building(s) constructed on the property.
3. In the case of a commercial complex, one (1) monument sign is allowed. Such a monument sign:
- a. may not exceed one hundred (100) square feet in area;
  - b. may not exceed fifteen feet (15') above the top of the adjacent street or driveway level;
  - c. may not be located within sixty feet (60') of another monument sign;
  - d. may be lit; and
  - e. must be anchored in native colored masonry or similar material to the building(s) constructed on the property and framed on all four (4) sides by, at a minimum, six inches (6") of native colored masonry, or similar material to the building(s) constructed on the property.

**I. Off-Premise, Freestanding Signs.** All off-premise signs, to include billboards, are defined as freestanding signs and are required to meet the same standard as any other freestanding sign as follows:

- 1. may not exceed one hundred (100) square feet in area;
- 2. may not exceed thirty feet (30') in height; and
- 3. no off-premise sign may be located on any unplatted lot, nor may it be located on a platted lot less than fifty (50) feet in width. The off-premise advertising sign located on any lot will be considered as the one (1) freestanding sign allowed for the lot. Any existing or future building or business located on the same lot will not be allowed to erect or place another freestanding sign on the same building lot with the off-premise advertising sign.

**J. Lighted Signs.**

An establishment may only have one (1) lighted window or door sign per establishment, not to exceed three (3) square feet in area. Such signs must not blink or move and must be turned off

when the establishment is closed for business. Illuminated exterior signs not lit by internal lighting may be illuminated by down lighting methods; “up-lighting” is prohibited.

**K. Model Home Signs.** A model home sign:

1. may be installed but only on the site of a model home and is limited to one (1) per site;
2. may not exceed sixteen (16) square feet in area or six feet (6') in height;
3. may not be internally illuminated; and
4. must be immediately removed after one hundred percent (100%) of the lots within the subdivision are sold by the developer or his/her successor in interest.

**L. Projecting Signs.** A projecting sign:

1. is limited to one (1) per establishment;
2. may not exceed sixteen (16) square feet in area within any residential area or thirty (32) square feet in area within a nonresidential area;
3. may not exceed twenty feet (20') in height;
4. may not extend either above the roof of the building or beyond the end of the wall to which it is attached by more than nine feet (9') at the point of attachment; and
5. attached to a building on private property may not extend over any public right-of-way except a sidewalk adjacent to a building which is lawfully built up to the public right-of-way.

**M. Residential Development Signs.** A residential development sign:

1. besides providing the name and/or the address of the residential development, may incorporate incidental leasing information and/or the contents of a directional sign;
2. may not exceed thirty-two (32) square feet in area with six (6) or fewer residential units and the lesser area of either five (5) square feet per residential unit or fifty (50) square feet in total if more than six (6) residential units;
3. may not be internally illuminated; and
4. placed in a condominium development or in a subdivision in which the sign is common property of the subdivision homeowners, must include adequate assurance within the condominium regime or restrictive covenants that the landscaped area, if present, at the

base of the sign, will be properly maintained by the condominium or homeowners association.

**N. Roof signs.** A roof sign:

1. is allowed but only for an establishment that chooses not to install or use a wall sign;
2. may not exceed the height of the apex of the roof; and
3. may not exceed twelve percent (12%) of the square footage of the area of the front building façade.

**O. Wall Signs.** A wall sign:

1. is allowed for each wall but may not exceed twelve percent (12%) of the square footage of the façade to which the sign is mounted;
2. must be securely mounted to and supported by the wall throughout the length and width of the sign;
3. may not project over any public land or public right-of-way, or extend more than one foot (1') from the face of the wall to which the sign is mounted, or extend at any point above or beyond the end of such wall; and
4. may not be painted directly on the wall unless the painting is a mural which has an artistic composition and which depicts a scene or subjects unrelated to the products, goods, or services offered by the establishment within the building. In addition, a mural will not be considered a sign and is not subject to the size limitation provided above.

**P. Electronic Signs.** An electronic sign:

1. may not exceed thirty-two (32) square feet;
2. may use color images;
3. must operate in a way that its message remains static for a minimum of four (4) seconds;
4. must operate in a way that all screen transitions occur within one (1) second such that the initial message does not fade, dissolve, or travel;
5. may not use motion, such as a scrolling message;
6. may be allowed as a wall sign or window sign instead of a freestanding sign;
7. may not exceed a light intensity of 500 NITS at night or 7,000 NITS during the day; and

8. operating within two hundred feet (200') of a residential area must be turned off from 8:00 PM to 6:00 AM.

**Q. Area limitation for awning sign, canopy sign, canopy roof sign, or projecting sign.**

Where an establishment chooses to use any one or a combination of an awning sign, canopy sign, canopy roof sign, or projecting sign, the combined total area of any one or multiple signs may not exceed the area allowed for a freestanding sign.

**Sec. 6-40. Prohibited Sign Locations.**

No sign may be located within the City or extraterritorial jurisdiction as follows:

- A. No sign may be placed on or attached to any tree.
- B. No sign may be placed on or attached to any utility pole or pedestal, except by a utility company owning the pole or pedestal or operating facilities mounted on the pole or in the pedestal.
- C. No sign or part of a sign, including mounting fixtures and supporting structures, may be located on or above any City property to include public rights-of-way, except as permitted by other provisions of this Article.
- D. No sign or part of a sign, including mounting fixtures and supporting structures, which is mounted above or projects over any sidewalk, street, drive, or parking area, whether on public or private property, may be hung with less than seven feet (7') of vertical clearance above the sidewalk or less than twelve feet (12') of vertical clearance above the street, drive, or parking area.
- E. No sign or part of a sign frame may be located between two feet (2') and ten feet (10') above the established ground level within the area of a clear sight triangle for traffic extending twenty-five feet (25') in each direction from the point of a street intersection.
- F. No sign may be located closer than eight feet (8') to a power line.
- G. No lighted sign and no permanent sign may be mounted or placed on or extend above the side wall or rear wall of any building, or be located in the side yard or rear yard of any lot or tract of land, when such sign faces upon and is visible from a contiguous residential area not separated from the building, lot, or tract containing the sign.

**Sec. 6-41. Sign Permits.**

**A. Permit and Fee Required.**

No person may install, place, alter, repair, or relocate those signs specified within Sec. 6-38 and Sec. 6-39 above, without first obtaining a sign permit from the City. For purposes of this

subsection, "repair" is defined as work or alterations required to be done to a sign which amounts to fifty percent (50%) or more of the value of the sign. Each permit will be granted for one (1) year. Signs not requiring a sign permit may, however, require a permit pursuant to the City's building codes. Each application for a sign permit must be accompanied by the appropriate fee established by City Council and by such drawings, descriptions, and specifications as determined by the City to be necessary for review of the application. Upon receipt of an administratively complete application and the requisite fee(s), the City will approve or deny said permit as soon as possible but in no instance longer than thirty (30) days of receipt thereof.

#### **B. Exemptions from Permit Requirement.**

The following actions are exempt from the requirement of a sign permit: repainting or replacing letters or characters on an existing sign, provided that the area of the sign is not enlarged and that the height of the sign is not increased, and that the sign does not advertise or announce a new business; changing the copy on a bulletin board or changeable copy sign; and replacing the fabric or other material of an awning sign when no other change is made to the sign.

#### **C. Expiration of Certain Permits.**

A sign permit for any sign whose use is limited to a time period specified by this Article or whose removal is required at a certain time by this Article, will be issued for a specified term which will not exceed the time limit established by this Article.

#### **D. Enforcement.**

Following the issuance of a sign permit by the City, it is unlawful to change, modify, alter, or otherwise deviate from the terms and conditions of the permit without prior approval of the City. Where the City obtains evidence of a sign that was installed, constructed, altered, repaired, or relocated in violation of this Article or any other regulation of the City, the City may require the responsible party to remove it. If the responsible party fails to remove the sign within 72 hours after being notified to do so, or if it appears to the City that the illegal sign placement poses an immediate danger to the public, then such sign may be removed by the City and the City's actual cost of removal will be charged to the responsible party. The City will impound any sign so removed and will not return it to the responsible party until all applicable charges are paid. If any sign remains unclaimed for a period of more than thirty (30) days, the City may destroy, sell, or otherwise dispose of the sign.

### **Sec. 6-42. Sign Maintenance.**

#### **A. Maintenance Required.**

All signs must be maintained in a structurally safe condition and/or in good repair. The City will notify, by certified mail, the responsible party for any sign not so maintained and the responsible party shall perform the necessary maintenance or repairs within thirty (30) days of the postmark on the notice. The City may remove any sign not repaired within the allotted time and the actual

cost of such removal will be charged to the responsible party. If the City removes an unmaintained or disrepaired sign and the sign remains unclaimed for a period of more than thirty (30) days, the City may destroy, sell, or otherwise dispose of the sign.

#### **B. Removal of Hazardous Signs.**

Any sign which in the judgment of the City has become an imminent hazard to public safety, either because of an incident of damage or because of neglect of maintenance, must be repaired or removed by the responsible party without delay. Notice of the existence of the hazard will specify the maximum time allowed for repairs or removal in order to insure public safety, and the notice may be served upon the responsible party by any means available. A hazardous sign which is not repaired or removed within the time specified in the notice will be removed by the City and the cost of such removal will be charged to the responsible party. If the City removes a sign and the sign remains unclaimed for a period of more than thirty (30) days, the City may destroy, sell, or otherwise dispose of the sign.

#### **Sec. 6-43. Nonconforming Signs.**

##### **A. Continuation in Use.**

The lawful use of signs in existence at the time of the adoption of this Article, including a sign which does not comply with the regulations contained in this Article, may continue as a legal, nonconforming sign, except as follows:

1. signs which require a permit under this Article, such as a balloon or a feather sign, must be permitted;
2. temporary signs such as inflatable signs, figures, or devices, which are prohibited, must be removed within thirty (30) days of the adoption of this Article;
3. an electronic sign must comply with the operational regulations found with subsection 6-39.P. within thirty (30) days of the adoption of this Article;
4. where an electronic sign exceeds thirty-two (32) square feet but is prohibited by this Article from exceeding this size, such sign may be replaced to equal its existing area but may not exceed this area; and
5. if the use of any nonconforming sign is discontinued for a period of one hundred and eighty (180) consecutive days or more, then the responsible party must remove or alter the sign to meet the regulations found within this Article and any future use of the sign must fully comply with this Article.

## **B. Limitations on Modification.**

No nonconforming sign may be enlarged in area, increased in height, moved, altered, or remodeled unless and until its construction, area, height and location are all in conformity with this Article. A lawfully existing sign may be repainted and the letters or characters on the sign may be rearranged or replaced, however the changes cannot be made to advertise a new business.

## **C. Removal of Damaged Signs.**

A responsible party must remove a nonconforming sign which is damaged by any cause to the extent of fifty percent (50%) or more of its value within thirty (30) days of the damage. A nonconforming sign damaged to the extent of fifty percent (50%) or more of its value may not be replaced or rebuilt except by a sign that complies with this Article.

## **Sec. 6-44. Variances.**

### **A. Application.**

Any person, business, or other organization desiring to continue in use, locate, construct or otherwise place any sign which does not conform to the provisions of this Article may make application to the Planning and Zoning Commission for a variance to continue in use, locate, construct, or otherwise place such a sign.

### **B. Process.**

An application for a variance must be filed with the City and include the following:

1. name/address of the applicant/owner;
2. address or legal description of the property;
3. statement that the applicant is the owner of the property, represents the owner, or is acting pursuant to a contract for sale;
4. site plans, elevations, improvement plans, and such other drawings or depictions, including photographs that sufficiently indicate property lot lines; the location, appearance, and intended use of building/structures and signs on the property; location of other improvements, parking and loading areas, vehicular and pedestrian access, landscaped areas, and utility service lines; and the approximate location of buildings/structures and signs located on adjacent properties;
5. a drawing or sketch in sufficient detail to determine the location and type of construction for the proposed sign; and
6. fee established by City Council.



### **C. Administrative Timeline.**

Upon receipt of an administratively complete application, as determined by the City, and accompanied by the requisite fee, the Planning and Zoning Commission will approve, approve with modifications, or deny said variance within thirty (30) days of receipt thereof.

### **D. Preliminary conference.**

The applicant must meet with the City to consider alternatives and the nature of the application prior to or during the application process.

### **E. Public hearing.**

The Planning and Zoning commission will hold a public hearing on each application for a variance using the same notice requirements as required for Planning and Zoning Commission hearings conducted for zoning ordinance amendments. At the public hearing, the Planning and Zoning Commission will review the application and receive pertinent evidence concerning the proposed variance.

### **F. Report of the Development Services.**

The City's Development Services Department will review the application prior to the hearing.

### **G. Action by the Planning and Zoning Commission.**

The Planning and Zoning Commission may grant the variance as presented or in a modified form or subject to conditions, or it may deny the application on the grounds of being incompatible with a neighboring use(s), traffic safety, the purpose statements as listed in this Article, or that it will give a business an unfair competitive advantage over other businesses. The Planning and Zoning Commission may impose such conditions or requirements in a variance as are necessary in its judgment to protect the overall character of the community and to achieve the fundamental purposes of this Article and the City's development plan and other regulations. A responsible party who fails to comply with any such conditions or requirements is in violation of this Article.

### **H. Evaluation Criteria.**

1. The Planning and Zoning Commission must use the following criteria when considering variances to this Article and no variance may be granted until it makes the following findings:
  - a. that there are exceptional circumstances or conditions applicable to the property on which the application is made related to size, shape, area, topography, surrounding condition(s) or location that do not apply generally to other property in the same area and/or the same zoning district;

- b. that exceptional circumstances or conditions are such that literal enforcement of the provisions of this Article would result in an unnecessary hardship inconsistent with the general purpose and intent of this Article;
  - c. that the granting of such variance will not be contrary to the public interest, materially detrimental to the public welfare, or injurious to the property or improvements in the zoning district or area in which the property is located;
  - d. that the granting of such variance will not be contrary to the objectives and principles contained in the City's Comprehensive Plan;
  - e. that the variance to be granted is the minimum variance that will relieve the proven hardship;
  - f. that the variance is not being granted to relieve the applicant of conditions or circumstances:
    - (i) which are not inherent in the property itself, but are the result of the use or development of the property, or
    - (ii) which are caused by a division of land on or after June 16, 1997, other than a division of land resulting from the sale of a property interest to a governmental entity, which division of land caused the property to be unusable for any reasonable development under the existing regulations, or
    - (iii) which were otherwise self-imposed by the present or a previous owner;
  - g. that the variance is not grounded solely upon the opportunity to make the property more profitable or to reduce expense to the current or any future owner;
  - h. that the variance would not modify or effectively repeal any development or use regulations set forth in a Conditional Use Permit or an ordinance or resolution adopting a Development Site Plan or establishing a Special Use District or Planned Development District which are in addition to the generally applicable use and development regulations set forth in the City's Zoning Code; and
  - i. that the variance would only affect a specific sign and is not of such a general nature as to effectively constitute a change in zoning.
2. No variance may be granted for signs that are listed as a prohibited sign.

## **I. Conditions of Variances.**

If a variance is granted and the sign so authorized is not substantially under construction within six (6) months of the date of approval of the variance, the variance will lapse and become of no force or effect.

### **Sec. 6-45. Relation to Other Ordinances.**

This Article will not be construed to require or allow any act that is prohibited by any other City code or ordinance. This Article is specifically subordinate to any other ordinance or regulation of the City pertaining to building and construction safety or to pedestrian and traffic safety.

### **Sec. 6-46. Severability.**

If any portion of this Article or any section or subdivision thereof be declared unconstitutional or in violation of the general laws of the state, such declaration will not affect the remainder of this Article which will remain in full force and effect.

### **Sec. 6-47. Enforcement.**

#### **A. Violations and penalties.**

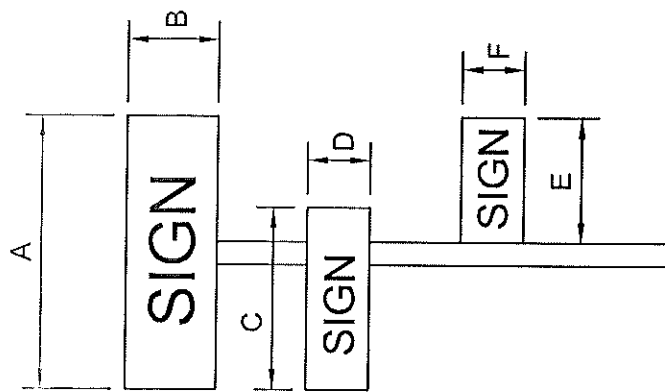
Wherever by the provisions of this Article the performance of any act is required or the performance of any act is prohibited, or wherever any regulation, dimension, or limitation is imposed on the location, design, or use of any sign, a failure to comply with the provisions of this Article will constitute a violation of this Article. The City Manager may institute any appropriate action or proceedings to prevent the unlawful installation, construction, reconstruction, relocation, alteration, repair, or use of any sign and to restrain, correct, or abate such violation. Every day on which a violation exists will constitute a separate violation and a separate offense. The penalty for each offense will not exceed two thousand dollars (\$2,000.00) but in no case will the fine for any violation hereof be less than two hundred dollars (\$200.00).

#### **B. Civil remedies.**

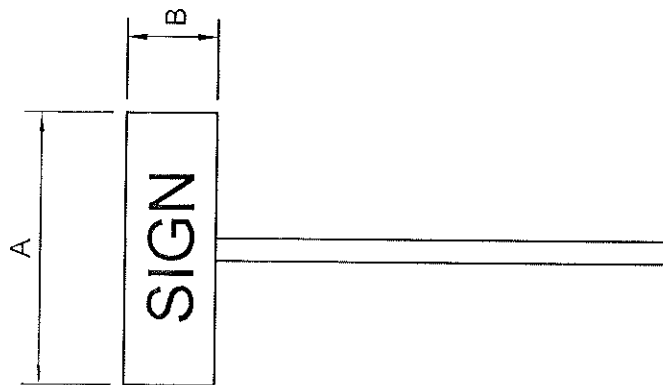
Nothing in this Article may be construed as a waiver of the City's right to bring a civil action to enforce the provisions of this Article and to seek remedies as allowed by law, including the following:

1. injunctive relief to prevent specific conduct that violates the Article or to require specific conduct that is necessary for compliance with the Article; and
2. a civil penalty up to five hundred dollars (\$500.00) a day when it is shown that the defendant was notified of the provisions of the Article and after receiving notice committed acts in violation of the Article or failed to take action necessary for compliance with the Article; and

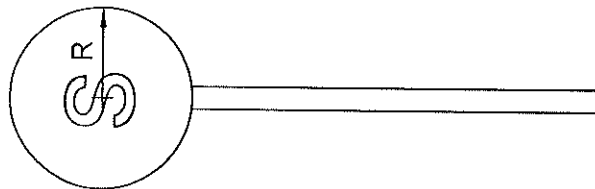
3. any other remedy available by law.



$$\text{SIGN AREA} = (A)(B) + (C)(D) + (E)(F)$$



$$\text{SIGN AREA} = A \times B$$



$$\text{SIGN AREA} = \pi R^2$$

